

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 289
Finance

(Senator Feldman, *et al.*)

Public Health - Preventive Medical Care - Consent by Minors

This bill expands the types of treatment for which a minor has the same capacity as an adult to consent. Specifically, a minor may consent to treatment for, including medical care related to prevention of or advice about, sexually transmitted infection and disease, including HIV.

Fiscal Summary

State Effect: The bill does not directly affect governmental finances.

Local Effect: Potential minimal impact on local health departments that provide sexually transmitted infection and HIV services.

Small Business Effect: None.

Analysis

Current Law: A minor has the same capacity as an adult to consent to medical or dental treatment if the minor is married, the parent of a child, or living separately from the minor's parents or guardian and self-supporting. A minor may also consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual. Similarly, a minor has the same capacity as an adult to consent to psychological treatment about drug abuse or alcoholism if, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

In addition, a minor may consent to (1) treatment for or advice about drug abuse, alcoholism, venereal disease, pregnancy, or contraception other than sterilization; (2) physical examination and treatment of injuries from an alleged rape or sexual offense; (3) physical examination to obtain evidence of an alleged rape or sexual offense; and (4) initial medical screening and physical examination on and after admission of the minor into a detention center. The capacity of a minor to consent to treatment for drug abuse or alcoholism does not include the capacity to refuse treatment in an inpatient drug or alcoholism treatment program for which a parent or guardian has given consent.

A licensed health care practitioner who treats a minor is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the minor did not have capacity to consent.

Without the consent of or over the express objection of a minor, a licensed health care practitioner may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by the minor or provided to the minor, except information about an abortion.

Background: According to the U.S. Centers for Disease Control and Prevention, nearly 20 million new sexually transmitted infections occur every year in the United States, half among young people ages 15 to 24, accounting for almost \$16 billion in health care costs. In addition to increasing a person's risk for acquiring and transmitting HIV infection, sexually transmitted diseases can lead to severe reproductive health complications, such as infertility and ectopic pregnancy.

Additional Information

Prior Introductions: None.

Cross File: HB 216 (Delegate Sample-Hughes, *et al.*) - Health and Government Operations.

Information Source(s): U.S. Centers for Disease Control and Prevention, Department of Health and Mental Hygiene, Department of Legislative Services

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